

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JASON E. SWANSON,

Petitioner,

v.

Civil Case No. 04-74296
Criminal Case No. 99-80890

UNITED STATES OF AMERICA,

Honorable Patrick J. Duggan

Respondent.

**ORDER DENYING PETITIONER'S REQUEST
FOR CERTIFICATE OF APPEALABILITY AS MOOT**

At a session of said Court, held in the U.S.
District Courthouse, City of Detroit, County of
Wayne, State of Michigan, on October 19, 2005.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

On June 21, 2005, this Court issued an Opinion and Order: (1) granting Petitioner's motion to vacate his sentence based on an incorrect criminal history and granting Petitioner a new sentencing hearing; and (2) denying Petitioner's motion to vacate, set aside, or correct his sentence based on the constitutional grounds set forth in his motion pursuant to 28 U.S.C. § 2255. On August 8, 2005, Petitioner filed a request for a Certificate of Appealability. On October 7, 2005, this Court issued an Order denying Petitioner's request for a Certificate of Appealability because the Court did not believe that jurists of reason would find it debatable whether the district court was correct in its rulings on Petitioner's constitutional claims. That

same day, Petitioner filed a second request for a Certificate of Appealability. In his second request, Petitioner reiterates the arguments set forth in his first request.¹

Accordingly,

IT IS ORDERED that Petitioner's second request for a Certificate of Appealability is **DENIED AS MOOT**.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

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¹ The only major difference between the two requests is that the first was handwritten and the second is typed. The language used and arguments raised are the same.